

James M. Ragain
RAGAIN & COOK, PC
3936 Avenue B, Suite A-2
Billings, MT 59102
Telephone: (406) 651-8888
Fax: (406) 651-8889
jim@lawmontana.com

Michelle M. Sullivan
Sullivan Miller Law PLLC
3860 Avenue B, Suite C East
Billings, MT 59102
Phone: (406) 403-7066
Fax: (406) 294-5702
michelle.sullivan@sullivanmiller.com Rodney E. Pagel
PAGEL WEIKUM, PLLP
1715 Burnt Boat Drive
Bismarck ND 58503
Telephone: (701) 250-1369
Fax: (701) 250-1368
rpagel@pagelweikum.com

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

NORTHERN BOTTLING CO., INC.,

Case No.: 4:150-cv-133

Plaintiff,

vs.

PEPSICO, INC.,

**PLAINTIFF'S
MOTION TO COMPEL
RESPONSES TO
WRITTEN DISCOVERY**

Defendant.

Plaintiff Northern Bottling Co., Inc., (hereafter, "Northern") by and through its counsel of record, hereby moves the Court to compel Defendant PepsiCo to respond in full to written discovery propounded by Northern.

The written discovery requests and responses at issue are attached to the memorandum in support of this motion, which is being filed concurrently herewith, as Exhibit 1. The specific objections and responses of Defendant PepsiCo, Inc. that are being challenged by Northern are those in response to Northern's Requests for Production Nos. 12, 13, 14, 17, 18, 19, 22, 23, 24, 26, 28, 29, and 30.

The undersigned hereby certifies that the parties have conferred for the purpose of making a reasonable, good faith effort to resolve their dispute without involving the court, as required by D.N.D. Civ. L.R. 37.1(A) and Fed. R. Civ. P. 37(a)(1). The conference was held via telephone on Friday, July 7, 2017. Present at the call was Jim Ragain and Michelle Sullivan on behalf of Plaintiff, and Thomas Quinn and Kevin Reidy on behalf of Defendant. In addition, the parties participated in a call with Magistrate Judge Miller on Monday, July 17, 2017. Efforts to resolve this discovery dispute have been unsuccessful to date.

DATED this 28th day of July, 2017.

RAGAIN & COOK, PC

/s/ James M. Ragain

James M. Ragain
3936 Avenue B, Suite A-2
Billings, MT 59102
jim@lawmontana.com

Michelle M. Sullivan
Sullivan Miller Law PLLC
3860 Avenue B, Suite C East
Billings, MT 59102
Phone: (406) 403-7066
Fax: (406) 294-5702
michelle.sullivan@sullivanmiller.com

Rodney E. Pagel
PAGEL WEIKUM, PLLP
1715 Burnt Boat Drive
Bismarck ND 58503
rpagel@pagelweikum.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that on the 28th day of July, 2017, a copy of the foregoing was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing to the Following:

Thomas B. Quinn
Kevin Reidy
RILEY SAFER HOLMES
& CANCILA LLP
Three First National Plaza, Suite 2900
70 West Madison Street
Chicago, IL 60602

Patrick J. Ward
John E. Ward
ZUGER KIRMIS & SMITH
316 North 5th Street
P.O. Box 1695
Bismarck, ND 58502-1695

RAGAIN & COOK, PC

/s/ James M. Ragain
James M. Ragain
3936 Avenue B, Suite A-2
Billings, MT 59102
jim@lawmontana.com